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March 15, 2016

VIA ECFS AND E-MAIL

Christopher Killion, Division Chief
Federal Communications Commission
Enforcement Bureau
Market Disputes Resolution Division
445 12th Street SW
Washington, DC 20554

Re: *Verizon Florida LLC v. Florida Power and Light Company*,
Docket No. 15-73, File No. EB-15-MD-002, Related to Docket No. 14-216,
File No. EB-14-MD-003

Dear Mr. Killion:

FPL's delay tactics have to stop. FPL's latest motion for leave to file (this time, a reply in support of a pending motion for leave to file) should be denied. The only new information in FPL's latest filing is the false accusation that Verizon misled the Commission because Verizon did not introduce survey data that FPL also did not introduce, but now seeks untimely leave to add to the record. That is nonsense. Verizon did not include this survey data in its Complaint because it is immaterial and irrelevant to Verizon's case. Verizon was within its rights to rely instead – as FPL did – on the Commission's rebuttable presumption regarding the number of attaching entities. And Verizon also had the right to rebut the Commission's presumptive pole height with other data that FPL provided Verizon in early 2012, around the same time that FPL contends it completed this survey.

If FPL thought otherwise, it should have included the survey data in its responsive pleadings and other prior filings. In those submissions, FPL had the same duty under the Commission's rules, and the same access to this survey data, as Verizon. The fact that FPL did not produce this data earlier confirms that FPL's latest filing is not based on a need to provide "material information," but rather yet another attempt to delay the Commission's decision.

Best regards,

Christopher S. Huther



Christopher Killion

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cc: Lisa Griffin, Deputy Division Chief
Rosemary McEnery, Deputy Division Chief
Lia Royle, Commission Counsel
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